

1914

## c 49 Vital Statistics Act

Ontario

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## 6. STATISTICS.

## CHAPTER 49.

An Act respecting the Registration of Births, Marriages and Deaths.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      **1.** This Act may be cited as *The Vital Statistics Act*.  
8 Edw. VII. c. 28, s. 1.

Interpretation.      **2.** In this Act,

- "House."      (a) "House" shall include a part of a house and a tenement, building, room or dwelling place;
- "Inspector."      (b) "Inspector" shall mean the Inspector of Vital Statistics;
- "Municipality."      (c) "Municipality" shall not include a county;
- "Occupier."      (d) "Occupier" shall include the governor, keeper, warden or superintendent of a gaol, prison, penitentiary, lunatic asylum, poor asylum, hospital, industrial home, and house of refuge, and of a public or private charitable institution;
- "Prescribed form."      (e) "Prescribed form" shall mean the form prepared by the Registrar-General and approved by the Lieutenant-Governor in Council;
- "Registrar-General."      (f) "Registrar-General" shall mean that member of the Executive Council who for the time being is charged with the administration of this Act.  
8 Edw. VII. c. 28, s. 2.

Application to Indian Reserves.      **3.** This Act shall apply to land reserved for the Indians which, for the purposes hereof, shall be deemed territory not within a municipality. 8 Edw. VII. c. 28, s. 3.

Inspector, appointment and duties of.      **4.** The Lieutenant-Governor in Council may appoint an Inspector of Vital Statistics whose duty it shall be to inspect the registration offices and examine the schedules prepared under this Act to see that the entries and registrations are made and completed in a proper manner and in legible handwriting. 8 Edw. VII. c. 28, s. 4.

5. The Registrar-General shall annually collate, publish <sup>Annual report of Registrar-General.</sup> and distribute for the use of this Legislature a full report of the births, marriages and deaths of the preceding year, giving such details, statistics and information as the Lieutenant-Governor in Council may deem necessary. 8 Edw. VII., c. 28, s. 5

6. The Lieutenant-Governor in Council may make such <sup>Regulations.</sup> regulations as he may deem necessary for the purpose of obtaining the information required by this Act. 8 Edw. VII. c. 28, s. 6.

7.—(1) Any person shall be entitled at all reasonable <sup>Searching</sup> hours on payment of the prescribed fee and on signing an <sup>Records with Registrar-General.</sup> application in the prescribed form, to have search made of the record of a birth, marriage or death kept in the office of the Registrar-General for any one county or district for not more than three years.

(2) The Registrar-General shall, when requested, give a <sup>Certificate of Registrar-General.</sup> certificate of the details of any birth, marriage or death of which there is a record in his office on payment of the prescribed fee.

(3) The certificate shall be *prima facie* evidence in any <sup>Effect as</sup> Court, or in any proceeding before a Justice of the Peace, of <sup>evidences.</sup> the facts certified to be recorded.

(4) The fees to be paid for searches and certificates shall <sup>Fees for searches and certificates.</sup> be prescribed by the Lieutenant-Governor in Council but shall not exceed,

(a) for a search for one registration, confined to one county or district, and a period of not more than three years, 25 cents;

(b) for a search for one registration, extending beyond one county or district, or for more than three years, \$2;

(c) for a certificate, in addition to the fee for the search, 50 cents. 8 Edw. VII. c. 28, s. 7.

8. The Registrar-General shall cause such schedules and <sup>Forms.</sup> forms to be prepared as may be approved by the Lieutenant-Governor in Council in order to obtain correct statistical information, and he shall distribute them to the Division Registrars, and the cost of and incidental thereto and of the distribution thereof shall be paid out of the Consolidated Revenue Fund. 8 Edw. VII. c. 28, s. 8.

#### REGISTRATION DIVISIONS.

9.—(1) All territory within Ontario shall be a part of <sup>Registration divisions.</sup> some Registration Division.

Municipalities  
to be.

(2) Every municipality shall be a Registration Division.

Unorganized  
territory.

(3) Territory not within a municipality may be attached to an existing Registration Division, or set apart as a Registration Division, by the Lieutenant-Governor in Council. 8 Edw. VII. c. 28, s. 9.

Registrars in  
unorganized  
territory.

10. Where a Registration Division is formed of territory not within a municipality the Lieutenant-Governor in Council may appoint a Division Registrar for it and may make such regulations as he may deem necessary to secure a correct record of the births, marriages and deaths occurring therein. 8 Edw. VII. c. 28, s. 10.

#### OFFICE AND DUTIES OF DIVISION REGISTRARS.

Registrars in  
municipalities.

11.—(1) The clerk of every municipality shall be the Division Registrar of the same.

Schedules for  
division  
registrars.

(2) The Registrar-General shall supply to every Division Registrar schedules in the prescribed form upon which the Division Registrar shall enter the details of every birth, marriage and death registered in his office.

Duties of  
division  
registrars as to  
schedules.

(3) The Division Registrar shall keep every such schedule in duplicate, and on or before the 15th days of January, April, July and October in every year he shall transmit to the Registrar-General one duplicate of each schedule down to and including the last day of the month next preceding, together with the original return made by the person registering any birth, marriage or death, and the other duplicate schedule shall be kept by the Division Registrar on file in his office.

Arrangement.

(4) The duplicate schedules shall be bound up or otherwise arranged from time to time by the Division Registrar in such manner as may be prescribed.

Custody.

(5) It shall be the duty of the Division Registrar to keep the schedules, forms and documents received by him in a place of safety, and he shall use all available means to obtain the necessary information for the purpose of completing the records required to be made by him.

Duty of divi-  
sion registrar  
on default of  
registration.

(6) If the Division Registrar has reason to believe that a birth, marriage or death has taken place within his division which has not been registered he shall inform the proper person of his duty to register the same and on failure of such person to make the registration the Division Registrar shall forthwith supply the Inspector with such information as he possesses in regard to the matter. 8 Edw. VII. c. 28, s. 11.

Certificate of  
registration.

12.—(1) A Division Registrar, upon application therefor, and on payment of a fee of twenty-five cents shall give a certificate in the prescribed form as to any one registration not



included in any quarterly return made, but shall not give any certificate other than such as is authorized by this section or in any other than the prescribed form.

(2) The Division Registrar shall be entitled to the fee for <sup>Fee.</sup> the certificate for his own use. 8 Edw. VII. c. 28, s. 12.

**13.**—(1) If within one year from the registration of a birth, marriage or death any of the particulars thereof are found to be omitted or incorrect it shall be the duty of the proper Division Registrar upon the error being reported to him within the time aforesaid to enquire into the same, and if satisfied that the entry is incorrect to correct the error according to the fact, entering the correction in the margin, without any alteration of the original entry, and he shall note thereon the fact that the correction has been made and the date thereof. <sup>Correcting errors in registration.</sup>

(2) If the schedule containing a copy of the original entry has been returned to the Registrar-General the Division Registrar shall report the omission or other error to the Registrar-General, who shall correct the error in the margin of the Schedule as well as in the indexed record thereof, without altering the original entry, and shall note on them the fact that the correction has been made and the date thereof. <sup>Correction by Registrar-General after return.</sup> 8 Edw. VII. c. 28, s. 13.

#### REGISTRATION OF BIRTHS.

**14.** Every legally qualified medical practitioner who attends at the birth of a child shall forthwith give notice thereof in the prescribed form to the Division Registrar of the Division in which the child was born. <sup>Duty of medical practitioner.</sup> 8 Edw. VII. c. 28, s. 14.

**15.**—(1) Where a child is born notice thereof in the prescribed form shall also be given to the Division Registrar of the Division in which the child was born by <sup>Persons required to give notice of birth.</sup>

(a) the father, if living; or

(b) in case of his inability, or if he is dead, by the mother, if living; or

(c) in case of the inability of both parents, or, if neither be living, by the person standing in the place of the parents of the child; or

(d) if there is no father or mother or other person whose duty it is to give the notice, by the occupier of the house in which the child was born, if he has knowledge of the birth, and by the nurse or midwife present at the birth.

(2) The notice shall be given within thirty days after the date of the birth. <sup>Time.</sup> 8 Edw. VII. c. 28, s. 15.

Registration of  
birth of new-  
born child  
found exposed.

Imp. 37-38  
V. c. 88, s. 3.

**16.** If a living new-born child is found exposed it shall be the duty of any person finding such child, and of any person in whose charge such child may be placed, to give, to the best of his knowledge and belief, to the Division Registrar of the Division in which the child is found, within seven days after the finding of such child, such information of the particulars required to be registered concerning its birth as the informant possesses. 8 Edw. VII. c. 28, s. 16.

Registering  
illegitimate  
births.

**17.** A person shall not be named in the register as the father of an illegitimate child unless he and the mother request that the name be so entered, and the Division Registrar shall write the word "Illegitimate" in the column for the name of the child immediately under the child's name. 8 Edw. VII. c. 28, s. 17.

Registration of  
birth within  
one year.

**18.** The Division Registrar may register a birth at any time within one year after the birth occurred. 8 Edw. VII. c. 28, s. 18.

Registration  
of birth after  
expiration  
of appointed  
time.

**19.** The Lieutenant-Governor in Council may make regulations for the registration of births which have not been registered under the foregoing provisions of this Act. 8 Edw. VII. c. 28, s. 19.

Altering or  
inserting name  
after registra-  
tion of birth.

Evidence.

**20.**—(1) Where the birth of a child is registered and the name of the child is afterwards changed, or if it was registered without a name, when a name is given to the child, the parent or guardian of the child or other person procuring the name to be changed or given may within ten years next after the registration of the birth, or at any time before the child attained his majority, deliver to the Registrar-General a certificate signed by the minister or person who performed the rite of baptism upon which the name was changed or given, or if the child has not been baptized signed by the father, mother or guardian of the child, or other person procuring the name of the child to be changed or given, and the Registrar-General, upon the receipt of the certificate, may make the necessary alteration in the margin of the schedule containing the original entry, without altering the original entry, and shall note thereon the fact that the change has been made and the date thereof and shall also make the same changes in the indexed record. 8 Edw. VII. c. 28, s. 20; 2 Geo. V. c. 17, s. 8, *part*.

Where  
certificate  
cannot be  
obtained.

(2) If the Registrar-General is satisfied that the certificate mentioned in subsection 1 cannot be obtained he may make the alteration on such proof of the change as he may deem sufficient. 2 Geo. V. c. 17, s. 8, *part*.

#### REGISTRATION OF MARRIAGES.

Duty to  
report.

**21.**—(1) Every person who solemnizes a marriage shall report the same to the Division Registrar of the division

within which the marriage was solemnized within thirty days thereafter with the particulars required in the prescribed form, which form shall be furnished to him by the Division Registrar, but in the case of a marriage solemnized under the authority of a license or certificate it shall be sufficient to report the same on the form attached to the license or certificate. 8 Edw. VII. c. 28, s. 21 (1); 1 Geo. V. c. 17, s. 7.

(2) The Lieutenant-Governor in Council may make regulations for the registration of marriages which have not been registered under the foregoing provisions of this Act. 8 Edw. VII. c. 28, s. 21 (2).

Regulations for registration after thirty days.

#### REGISTRATION OF DEATHS.

22.—(1) The occupier of a house in which a person dies, or if the occupier be the person who has died then every adult person residing in the house in which the death took place, or if the death has not taken place within a house then every person present at the death or having any knowledge of the circumstances attending the same, or the coroner who views the body and the legally qualified medical practitioner last in attendance during the last illness of the person who has died shall before the interment supply to the Division Registrar of the division in which the death took place, according to the best of his knowledge and belief, all the particulars required to be registered touching such death, in the prescribed form.

Particulars to be furnished to registrars.

(2) Where a death has occurred in a township or territory without municipal organization the return may be made to the nearest Division Registrar who, upon the payment of a fee of twenty-five cents by the applicant, shall register the same on the special form of schedule provided and issue a certificate of registration which certificate shall be sufficient, and such Division Registrar shall forward the return to the Division Registrar of the Division in which the death occurred.

Returns in unorganized territory.

(3) The Division Registrar issuing the certificate, as set forth in subsection 2, shall be entitled to the fee for his own use.

Fee.

(4) Where upon proper representation to the Registrar-General he is of the opinion that in any section of Ontario the registration of deaths for purposes of burial would be facilitated he may appoint a Sub-Registrar for the special purpose of issuing certificates of registration of death upon payment by the applicants of a fee of twenty-five cents.

Sub-registrar.

(5) The Sub-Registrar shall register the death upon the special form of schedule provided, and shall forthwith transmit the original form to the Division Registrar of the municipality in which the death occurred for registration by him, and the Sub-Registrar shall make quarterly returns to the

Registration and return of sub-registrar.



Registrar General in compliance with section 11 of this Act. 8 Edw. VII. c. 28, s. 22.

Forms for  
returns.

23. The forms on which such return shall be made shall be furnished by the Registrar-General to the Division Registrar who shall supply the same to the legally qualified medical practitioners resident in his Division. 8 Edw. VII. c. 28, s. 23.

Certificate for  
burial in case  
of death  
outside  
Ontario, etc.

24. Where the death has occurred out of Ontario, or the burial is to take place in a municipality other than that in which the death is to be registered, a certificate signed by the Registrar or other proper officer of the municipality or place in which the death occurred shall be sufficient for burial, and the Division Registrar of the municipality in which the burial takes place shall, when requested, receive the certificate and transmit it to the Registrar-General. 8 Edw. VII. c. 28, s. 24.

Duties prior  
to burial.

25. A removal for burial or an embalming of the body of any person shall not take place, and an undertaker, clergyman, sexton, householder or other person shall not engage in the burial of the body unless a certificate of registration has been previously obtained from the Division Registrar with whom the death was registered to the knowledge of the person so removing, embalming or engaging in the burial of the body. 8 Edw. VII. c. 28, s. 25.

Certificate of  
death.

26. A Division Registrar shall, immediately upon registering any death, deliver without charge to any person requiring the same for the purpose of burial a certificate in the prescribed form that the death has been duly registered. 8 Edw. VII. c. 28, s. 26.

Duties of  
persons in  
charge of  
cemeteries.

27.—(1) A caretaker or owner of a cemetery or burial ground, whether public or private, or a clergyman or other person having charge of a church to which a cemetery or burial ground is attached, shall not permit the interment of the body of any person in the cemetery or burial ground over which he has charge unless he has received a certificate under the hand of the proper Division Registrar that the particulars of the death have been duly registered.

Returns by  
caretakers,  
etc., of  
cemeteries.

(2) Every such caretaker, owner, clergyman or other person shall on or before the tenth day of January, April, July and October in each year transmit to the Division Registrar of the Division in which the cemetery or burial ground is situate a return in the prescribed form of the burials therein during the previous three months up to and including the last day of the month next preceding for subsequent transmission with the quarterly return to the Registrar-General. 8 Edw. VII. c. 28, s. 27.

Registration of  
death after  
burial.

28.—(1) Where burial has taken place without registration the death may be registered, but registration shall not



take place after two years from the death without the written consent of the Registrar-General.

(2) Registration shall not take place in the case of a body found elsewhere than in a house where a certificate has not been given by a Coroner without the like consent of the Registrar-General. <sup>Where body found elsewhere than in house.</sup>

(3) The fact of such consent having been given shall be entered in the proper column of the register. 8 Edw. VII. c. 28, s. 28. <sup>Entry of Registrar-General's consent.</sup>

#### REGISTRATION BY REGISTRAR-GENERAL WHERE ACT NOT COMPLIED WITH.

29.—(1) The Registrar-General may register a birth which has not been registered in accordance with section 18 if the information is furnished in accordance with the provisions of this Act, and the registration shall be made in the proper register, and the date of registration shall be entered in the proper column of the register. <sup>Registration of births after default.</sup>

(2) Where the registration of a marriage has not been made, as provided by section 21, the Division Registrar of the Division in which the marriage was solemnized may register the same at any time after the solemnization of the marriage if the information is furnished in accordance with the provisions of this Act, and the registration shall be made in the schedules of the current quarter. <sup>Registration of marriages after default.</sup>

(3) After the expiration of twelve months from the solemnization of the marriage registration shall only be made by the Registrar-General, if the information is furnished in accordance with the provisions of this Act, and the entry of registration shall be made in the proper register, and the date of registration shall be entered in the proper column of the register. <sup>Conditions of registration after twelve months.</sup>

(4) The Registrar-General may register a death which has not been registered by a Division Registrar in accordance with section 28 if the information is furnished in accordance with the provisions of this Act, and the registration shall be made in the proper register, and the date of registration shall be entered in the proper column of the register. 1 Geo. V. c. 17, s. 8. <sup>Registration of death after default.</sup>

#### PENALTIES AND EXPENSES.

30. If a Division Registrar neglects to make any return, as required by this Act, he shall be notified by registered letter of such neglect by the Registrar-General, and if after notification he fails to make such return within one month the Registrar-General may refuse to issue the certificate for the payment of the fees due to the Division Registrar even though <sup>Penalty for Registrar's neglect to make returns.</sup>

the return should be made at a later date, and such Division Registrar shall also incur a penalty of \$50. 8 Edw. VII. c. 28, s. 29.

Penalty for making false statements.

**31.** A person who wilfully makes or causes to be made a false statement touching any of the particulars required to be reported and entered under this Act shall incur a penalty of \$50; and a legally qualified medical practitioner wilfully making a false statement as to the cause of death of any person shall also be subject to discipline by the Ontario Medical Council. 8 Edw. VII. c. 28, s. 30.

Penalty for not reporting.

**32.—(1)** A person required by this Act to report a birth, marriage, death or burial to the Division Registrar who neglects to do so shall incur a penalty not exceeding \$10.

Saving.

**(2)** If a return required by this Act to be made by more than one person is made by any one of such persons the others shall not be liable to the penalty.

Returns of medical practitioner.

**(3)** Subsection 2 shall not apply to a return required to be made by a legally qualified medical practitioner. 8 Edw. VII. c. 28, s. 31.

Penalty for other acts or omissions.

**33.** A person guilty of an act or omission in violation of any of the provisions of this Act for which no other penalty is provided shall incur a penalty of not more than \$20. 8 Edw. VII. c. 28, s. 32.

Duty of Inspector to investigate.

**34.** The Inspector, upon being notified of any violation of this Act, shall make investigation, and where he deems it necessary, or without investigation when directed by the Registrar-General, he shall institute proceedings against any person guilty of any such violation. 8 Edw. VII. c. 28, s. 33.

Penalties how recovered. Rev. Stat. c. 90.

**35.** The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*. 8 Edw. VII. c. 28, s. 34.

Penalties, distribution of.

**36.** The penalties shall be payable one moiety to the informant and one moiety to the municipality in which the offence was committed. 8 Edw. VII. c. 28, s. 35.

Time for commencement of prosecution.

**37.** Prosecutions for penalties imposed by this Act shall be commenced within one year after the offence or default. 8 Edw. VII. c. 28, s. 36.

Conduct of prosecutions.

**38.** Prosecutions for any penalty imposed by this Act shall be conducted by the Crown Attorney when instructed by the Registrar-General. 8 Edw. VII. c. 28, s. 37.

Expenses of prosecution.

**39.** All expenses of prosecutions under this Act not recovered from the offender, and whether or not a conviction is

obtained, shall be payable by the municipality in which the offence was alleged to have been committed. 8 Edw. VII. c. 28, s. 38.

#### FEEs.

**40.**—(1) Every municipality shall pay annually, on the first day of February, to the Division Registrar thereof a fee of twenty cents for each complete registration of a birth, marriage or death returned for the preceding year according to the schedules provided under this Act, on the presentation of the certificate of the Registrar-General to the treasurer of the municipality; but a city or town containing more than ten thousand inhabitants may by by-law limit the aggregate compensation allowed to the Division Registrar. Fees of division registrars.

(2) Fees shall be paid at the rates set forth in this section to every Division Registrar appointed by the Lieutenant-Governor in Council for any Registration Division not included within any municipality out of any money appropriated for that purpose. 8 Edw. VII. c. 28, s. 39. Fees of registrars in unorganized territory.

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